

REMARKS

Claims 1-3, 6, 8, 12 and 14-16 have been rejected under 35 USC 103(a) as unpatentable over Burns in view of Hamilton. The rejection is respectfully traversed.

In response to the Examiners arguments in paragraph 1 of the Office Action, and the continued rejection to the claims, Applicants provide comments below.

The invention relates to a method for billing a communications link between communications terminals. A set-up message is routed to a network node, a charge request is transmitted by the network node to a call charge computer, a response message is sent to the network node, and when there is a positive result, a communications link to a target communications terminal is established, otherwise, the link is aborted. In particular, the invention relates to billing communication links of remote target networks being established via the internet. Moreover, the target network is a packet-oriented mobile radio network. That is, in the invention, billing is negotiated between a network node of the target network and a central "call charge computer" associated with the called user.

Burns discloses a method for completing calls to wireless communications customers. A database is queried to determine whether to bill the calling party or the called party for communications charges associated with the wireless communication service. The Examiner states that Burns fails to disclose "routing a set-up message to network node, network node transmitting a charge request, the call charge computer sending a response to the network node, network node establishes a link, and network node aborts the establishment of the link." Applicants agree that Burns fails to disclose these features. The Examiner, however, relies on Hamilton as disclosing these features.

Additionally, Burns teaches a billing system for a standard public switch telephone network (PSTN) which does not include any communications link being established via the internet. Furthermore, the remote mobile radio network (on the right hand side of Fig. 1) is a standard ISDN network, and not a packet-oriented mobile radio network as required by claim 1. Since the internet is not involved in the telecommunication system according to Burns, no setup message relating to the first communication link is routed by the first communication terminal via the internet to any network node of a mobile radio network of package-oriented type. Insofar as the Examiner identifies the incoming call from the telephone (10) as the "setup message", this

message is clearly not routed via the internet to any network node. Moreover, the Examiner seems to identify the "service processor (28)" according to Burns with the call charge computer in claim 1. However, we respectfully note that the service processor (28) in Burns is a predetermined device and is not determined in any way by any network node of a packet-oriented mobile radio network. Moreover, there is no automatic abortion of the establishment of the communication link in the case of a negative result of the authorization check. On the contrary, the user is required to hang up (Burns at column 4, lines 14 to 16).

Hamilton relates to packet-switched data services which are sponsored by the service provider or a third party. Since the services are sponsored, no negotiation including the charge request, a check and a response message have to be performed. Every check, including the check whether the user is permitted to access the service and which sponsor is to be built for the service, can be performed on the service providing network side. Consequently, the problem of billing a (remote) communication link being established via the internet does not occur, since it is clear from the onset that the service is billed to the sponsor.

The Examiner analogizes the billing procedure according to the invention and the teachings of Hamilton in the case where the service is requested in response to a "push operation" by a service sponsor being at the same time the service provider. However, if the service provider's announcement of the availability is construed as a "setup message" in the sense of the invention, the receiving network node would not have to determine any call charge computer storing payment data relating to the target communication terminal since the payment (sponsoring) information should be comprised in the push operation message.

Since the recited method is not disclosed by the applied prior art, either alone or in combination, claims 1-3, 6, 8, 12 and 14-16 are patentable.

Claims 4, 5 and 7 have been rejected under 35 USC 103(a) as unpatentable over Burns, in view of Hamilton, further in view of Doshi. The rejection is respectfully traversed for the same reasons presented in the arguments above, and since Doshi fails to disclose routing a set-up message to a network node and transmitting a charge request by the network node to the call charge computer.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to

charge deposit account 02-1818 for any fees which are due and owing. The Examiner is kindly requested to refer to Attorney Docket 18744-029 when responding to this communication.

Respectfully submitted,

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